

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jan 29, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JONATHON GUYDOS,

Plaintiff,

v.

JUDGE LAURA CANDACE  
HOOPER, KITTITAS COUNTY,  
ELLENSBURG POLICE  
DEPARTMENT, CITY OF  
ELLENSBURG, ERICK QUEZADA,  
TIM WEED, TAYLOR MALSTROM,  
STEPHANIE DRUKTENIS,  
ELLENSBURG POLICE OFFICERS  
1-10, and ZACHARY WILLIAMS,

Defendants.

No. 1:24-CV-03135-MKD

ORDER OF DISMISSAL

By Order filed November 26, 2024, the Court advised Plaintiff, an individual incarcerated at the Washington State Penitentiary, of the deficiencies of his Complaint and granted him the opportunity to amend or voluntarily dismiss. ECF No. 17. Plaintiff is proceeding *pro se* and *in forma pauperis*. ECF No. 16.

1 Defendants have not been served.

2 Specifically, the Court found certain Defendants were entitled to absolute  
3 judicial and prosecutorial immunity. *See Stump v. Sparkman*, 435 U.S. 349, 356  
4 (1978); *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc); *Imbler*  
5 *v. Pachtman*, 424 U.S. 409, 430-31 (1976); *Botello v. Gammick*, 413 F.3d 971, 976  
6 (9th Cir. 2005); *Schlegel v. Bebout*, 841 F.2d 937, 943-44 (9th Cir. 1988). The  
7 Court further declined to exercise jurisdiction over Plaintiff's domestic relations  
8 claims and noted that to the extent those domestic relations claims were  
9 intertwined with state criminal proceedings, those claims were barred by *Heck v.*  
10 *Humphrey*, 512 U.S. 477, 487 (1994). *See* ECF No. 17 at 6-11.

11 Plaintiff did not avail himself of the opportunity to amend or voluntarily  
12 dismiss and has filed nothing further. For the reasons set forth above and in the  
13 Court's prior Order, this action is **DISMISSED without prejudice**.

14 Accordingly, **IT IS SO ORDERED**:

15 1. The Complaint, **ECF No. 1**, is **DISMISSED without prejudice** for  
16 failure to state a claim upon which the Court may grant relief.

17 2. Because Plaintiff sought relief that sounds partially in habeas, and  
18 based on this Court's reading of *Washington v. Los Angeles Cty. Sheriff's Dep't*,  
19 833 F.3d 1048 (9th Cir. 2016), this dismissal will **NOT** count as a "strike"  
20 pursuant to 28 U.S.C. § 1915(g).

1           3.     The Court certifies that any appeal of this dismissal would not be  
2 taken in good faith.

3           **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
4 **enter judgment** of dismissal, provide copies to Plaintiff, and **CLOSE the file.**

5           DATED January 29, 2025.

6                                 s/Mary K. Dimke  
7                                 MARY K. DIMKE  
8                                 UNITED STATES DISTRICT JUDGE  
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